IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24135 of 2004

Between:

Thumma Yellamanda, S/o. T. Subbaiah,
Gram Panchayat, Chinapalakaluru (Village),
Guntur Guntur.

..... PETITIONER

AND

1.. The Principal Secretary, Government of A.P. Panchayat Raj & Rural

Development, Secretariat Buildings, Hyderabad.
2 The District Collector, (Panchayat Wing), Guntur.
3 District Panchayat Officer, Guntur.
4 Smt. Degala Sridevi, W/o D. Sambasiva Rao,
Grama Panchayat, Chinapalakaluru, Guntu Rural Mandal, Guntur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declaring the action of the 1st respondent in passing orders in Memo No. 17838/PTS.II/A3/2003, dated 3-12-2004, vacating the interim stay granted on 29-10-2003, pending disposal of Revision Petition, as arbitrary, illegal, discriminatory and violative of Article 14 and consequentially to set aside the same pending Revision Petition (File) No. 17838/PTS.II/A3/2003 and pass such other order or orders

Counsel for the Petitioner:MR.V.VENUGOPALA RAO

Counsel for Respondent Nos 1 to 3.: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.4 : Mr.Y.Ashok Raj

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be Sarpanch of the Chinapalakaluru Gram Panchayat. A show cause notice dated 13-8-2003 was issued to the petitioner alleging misappropriation of funds and tampering of cheque issued for Rs.78,803/- and altering the same for Rs.1,78,803/-. The petitioner is stated to have submitted his explanation on 18-8-2003 denying the allegations made against him and stating that a contractor viz., P.Purnachandra Rao is responsible for tampering of the cheque and a case in Crime No.217 of 2003 in Guntur Taluq Police Station was lodged and the same was registered as C.C.No.305 of 2004 on the file of the Special Mobile Magistrate, Guntur. Thereafter, proceedings dated 6-10-2003 were issued suspending the petitioner under section 249 of the A.P.Panchayat Raj Act, 1994. Aggrieved by the suspension order, the petitioner filed a revision before the Government on 24-10-2003 and obtained stay of the impugned orders by order dated 29-10-2003. It is also stated that the matter was posted to 10-8-2004 and adjourned to 28-9-2004. That on 28-9-2004 no proceedings were stated to have been taken-up and that on 11-12-2004 the petitioner received a caveat petition stating that an order was passed on 3-12-2004 vide Memo No. 17838/PTS.II/A3/2003 vacating the stay orders granted on 29-10-2003. Questioning the said order, the present writ petition is filed on the ground that without issuing any notice or affording opportunity, the impugned order dated 3-12-2004 was passed, vacating the interim stay granted on 29-10-2003.

Heard the learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Mr.Y.Ashok Raj for 4th respondent. The counsel representing the respective parties agreed for disposal of the writ petition at the admission stage, with a direction to the first respondent to pass final orders in the revision itself.

Having regard to the facts and circumstances of the case, without going into the

merits of the case, the writ petition is disposed of directing the first respondent to pass appropriate final orders in the revision petition, expeditiously. Till such time, status quo obtaining as on today shall be maintained. No costs.

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N.V.RAMANA,J

23-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Principal Secretary, Government of A.P. Panchayat Raj & Rural

Development, Secretariat Buildings, Hyderabad.
2 The District Collector, (Panchayat Wing), Guntur.
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5.2CCs to GP FOR PANCHAYAT RAJ & RURAL DEV, High Court of A.P.Buildings, Hyderabad . (OUT)

6.2CD copies

7.2CCs to

*Form-NIC-OGS/WP{**RLD**}*